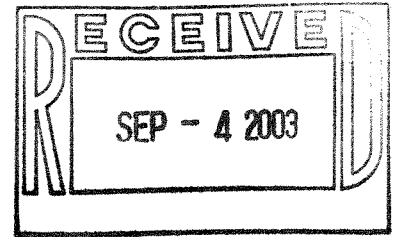




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INTERDEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone 978-264-9634 - Fax 978-264-9630

September 4, 2003

TO: John Murray, Assistant Town Manager
FROM: Doug Halley, Health Director
SUBJECT: Sewer Use Regulations

As part of the assessment of determining the feasibility of including the Powdermill Plaza and Acton Ford within the sewer service area Town Counsel was requested to review the State and Town regulations regarding access to sewer lines. Town Counsel's review found that State and Town regulations did allow that expansion but that the Sewer Use Regulation was too inclusive in defining what was an accessible or "common" sewer. By Statute (G.L. Chapter 83, Section 3) and abutting landowner has the right to tie into any sewer line that the Town defines as common.

This broad description of a "common" sewer does not lend itself to a pressure line within a right of way. It is not feasible from an Engineering design to have sewer connections connect into a pressure line yet from a legal perspective they must be allowed if they are considered to be part of the "common" sewer.

In order to clarify a "common" sewer it would be my recommendation to amend the Sewer Use Regulation by adding a definition for "common" sewers as follows:

"Common Sewers"

Gravity Sewer lines constructed by or accepted by the Town of Acton built in public or private ways, accessible to abutting landowners in accordance with General Laws Chapter 83 Section 3.